

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAEKUBIAN A. BARROW,

No. C 12-3420 JSW (PR)

Petitioner,

**ORDER OF DISMISSAL;
GRANTING LEAVE TO
PROCEED IN FORMA
PAUPERIS; DENYING
APPOINTMENT OF COUNSEL**

v.

KEVIN CHAPPELL, Warden,

Respondent.

(Docket Nos. 2, 4)

Petitioner, a California prisoner, has filed a second or successive petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. *See Barrow v. Gonzales*, Case No. C 10-1521 JSW (PR). A second or successive petition may not be filed in this Court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this Court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A). Petitioner has not sought or obtained such an order from the Ninth Circuit. The petition is accordingly DISMISSED without prejudice to refile if Petitioner obtains the necessary order.


Petitioner's application for leave to proceed in forma pauperis in the instant case (docket number 4) is GRANTED in light of Petitioner's lack of funds. His motion for appointment of counsel is DENIED (docket number 2) without prejudice to Petitioner's seeking

1 such appointment in the Court of Appeals in connection with his request to proceed with a
2 second or successive petition.

3 The Clerk shall enter judgment and close the file.

4 IT IS SO ORDERED.

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6 DATED: October 11, 2012

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8 JEFFREY S. WHITE
9 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RAEKUBIAN A. BARROW,
Plaintiff,

Case Number: CV12-03420 JSW

CERTIFICATE OF SERVICE

v.


KEVIN CHAPPELL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 11, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Raekubian A. Barrow
G16543
San Quentin State Prison
San Quentin, CA 94974

Dated: October 11, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk